

Department of Social Services Division of Licensing Programs STANDARD OPERATING PROCEDURE	TITLE: MODIFYING A LICENSE	PROCEDURE NUMBER SOP-207
		EFFECTIVE DATE: August 2, 2005
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207-1.0 PURPOSE

To establish operating procedures for modifying the terms of a license during an established period of licensure.

207-2.0 SCOPE

This standard operating procedure applies to licensing administrators and licensing representatives involved in the modification of a license for a facility/program.

207-3.0 DEFINITIONS

DOLPHIN (Division Of Licensing Programs Help and Information Network): The Division's data system that manages information about applicants and licensed providers and serves as a tool for the work of licensing staff.

Licensing representative: This usually refers to the staff delegated to provide ongoing regulatory oversight for a facility by the appropriate licensing office or unit. With proper designation by the licensing administrator or division management, however, staffs conducting such regulatory activities may be: staffs who perform similar functions for other facilities or licensing offices; a member of the division's central staff; or, a non-VDSS employee approved by the commissioner or division director.

207-4.0 PROCEDURES

The Division of Licensing Programs will consider requests from licensees for changes in the terms of their licenses. Licensing administrators and licensing representatives shall evaluate planned changes in a licensee's operations to determine whether a modification to the current license is appropriate or, by contrast, the licensee must submit a new application.

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207-4.1 Licensing Representative Responsibilities:

1. The licensing representative shall evaluate written requests from licensees to modify licenses by:
 - a. Analyzing proposed changes that would affect either the terms of the license or the continuing eligibility for a license and
 - b. Making visits to the facility as needed to evaluate the proposed modification.
2. The licensing representative shall submit a written recommendation regarding the modification request to the licensing administrator.
 - a. The licensing representative shall recommend a modification when the licensee proposes reasonable changes in:
 - The number of children or adults to be served;
 - Staff responsibilities;
 - Availability and use of the physical plant; and
 - Program focus or needs of the population to be served.
 - b. The licensing representative shall recommend modifications only when the proposed changes are within the scope of applicable regulations for the current license.
 - c. The licensing representative shall recommend a modification to the terms of a license without a written request from the licensee when:
 - Licensing staff discovers any changes to the facility/program that would limit capacity or other terms of the license or
 - The state fire marshal or building official imposes restrictions on the use of the building or limits its capacity.

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207-4.2 Licensing Administrator Responsibilities:

1. The licensing administrator shall consider a modification to a license by:
 - a. Evaluating the letter and supporting materials from the licensee requesting a modification and
 - b. Considering the recommendation of the licensing representative and consulting with that individual as necessary.
2. The licensing administrator shall approve or deny a request to modify a license by:

- a. Sending an approval/denial letter to the licensee with specific justifications for and conditions related to the decision and

NOTE: The procedures outlined in 202.4.4 for Preliminary Approval Statements apply also to modifications that involve changes to the physical design features of structures at a licensed facility.

- b. Generating from DOLPHIN and issuing with the approval letter a new license.
 - The effective date and expiration date remain the same;
 - The date of issuance is the date the modified license is signed/approved; and
 - The same number that appeared on the original license also appears on the modified license.

NOTE: The licensing administrator shall type the word “MODIFIED” at the top of the license.

207-5.0 AUTHORITY

Code of Virginia, Title 63.2-1732(-1734); 22 VAC 40-80-190

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207-6.0 RESPONSIBILITY

The operations manager, licensing administrators, and licensing representatives shall be responsible for ensuring compliance with this standard operating procedure.

207-7.0 INTERPRETATION

The director of the Division of Licensing Programs shall be responsible for interpreting or granting any exceptions to this standard operating procedure.

207-8.0 SUPERSEDES: First Issue; replaces OIM-3, Memorandum on “Licensing Modification for Short-Term Programs that Change Location” (1/30/02), and relevant areas of section I, chapter A of the DOLP Manual of Policy and Procedure.

207-9.0 EFFECTIVE DATE: August 2, 2005

207-10.0 REVIEW DATE: Two years from the effective date.

Reviewed and Approved by:

Carolynne H. Stevens, Director
Division of Licensing Programs

Date: July 28, 2005